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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,                           }) Case No.  
13    })  
14   }) Plaintiff,  
15   })  
16   }) v.  
17   })  
18 ALICIA HAMILTON,                                   })  
19   })  
20   })  
21   })  
22   }) Defendant.  
23 \_\_\_\_\_

**MOTION FOR SUMMONS**

24 Based on the facts set forth in the Declaration of Darien Meyer in Support of the United  
25 States' Motion for Summons, the United States hereby requests that the Court issue a summons  
26 for defendant Alicia Hamilton. The facts set forth in the declaration demonstrate that probable  
27 cause exists to summon the defendant to answer the Information that has been filed by the United  
28 States Attorney.

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

  
MAUREEN BESETTE  
Assistant United States Attorney

Dated: 6/13/08

1 JOSEPH P. RUSSONIELLO (CASBN 44332)  
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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,                              } Case No.  
14 Plaintiff,    }  
15 v.    }  
16 ALICIA HAMILTON,                                        }  
17 Defendant.   }  
18

**DECLARATION OF DARIEN MEYER  
IN SUPPORT OF UNITED STATES'  
MOTION FOR SUMMONS**

19 I, Darien Meyer, hereby declare as follows:

20 1. I am a Law Clerk in the United States Attorney's Office assigned to this case. I have  
21 received the following information from agents employed by the Department of Homeland  
22 Security Office of the Inspector General (DHS OIG) and from reports and other documents  
23 provided to me by the DHS OIG.

24 2. Hurricane Katrina made landfall in the southeastern United States on August 29, 2005.

25 On or about September 20, 2005, defendant Alicia Hamilton ("Hamilton") contacted the Federal  
26 Emergency Management Agency (FEMA) and applied for Hurricane Katrina disaster assistance  
27 by providing the following false information: (1) her primary residence was 2405 Rex Place,  
28 New Orleans, LA 70125 (on October 2, 2005 she called FEMA and changed her primary

1 residence to 3611 2<sup>nd</sup> Street, New Orleans, LA 70125); (2) she was currently homeless; (3) she  
2 was employed at a hotel in New Orleans; (4) she had essential needs for food, shelter and  
3 clothing and had lost her work all due to the disaster; and (5) her home and personal property was  
4 damaged.

5 3. When Hamilton applied for FEMA disaster assistance, she in fact resided at 320 Parker  
6 Avenue, Apartment 5, Rodeo, California where she had lived since January 1, 2005. The proof  
7 that she resided in Rodeo, California, rather than New Orleans, Louisiana, is the following: (1)  
8 the Quarterly Eligibility/Status Reports of California Health and Human Services Agency  
9 showing Defendant applied for welfare as early as January 5, 2005 and received payments  
10 through at least August 2006; (2) a statement by the manager of Matrix Property Management  
11 that Defendant lived in Apartment 5 of 320 Parker Avenue, an apartment building that his  
12 company managed, from January 7, 2005 until February 2006; (3) the tenant ledger for Matrix  
13 Property showing that Defendant payed rent at Parker Avenue address from January 2005  
14 through January 2006; (4) statement by witness explaining that Defendant had lived with her and  
15 her son before the disaster but had moved to California before the hurricane; (5) statement by  
16 Hamilton's mother that Defendant did not live with them at the time of the disaster but stayed  
17 there occasionally; (6) NEMIS report showing that Defendant was not an occupant of 3611 2<sup>nd</sup>  
18 Street, New Orleans, LA 70125 on Defendant's mother's FEMA file for that address; (7) NEMIS  
19 report showing communication dated April 19, 2006 between Hamilton's mother and FEMA  
20 stating that Defendant did not reside at address at time of disaster; (8) statement by Payroll  
21 Administrator of Barcelon Associates Management Corporation, that Defendant was employed  
22 as a Caregiver at Pinole Senior Village in California at the time of the hurricane; and (9) Payroll  
23 Report and Earning Statement showing that Defendant worked for Barcelon Associates from  
24 June 2005 through May 2006 including the day of the Hurricane, August 29, 2005.

25 4. On November 1, 2005, December 12, 2005, and January 9, 2006 Hamilton signed and  
26 returned form 90-69B, which certified as correct all the information she provided to FEMA,  
27 including her falsified New Orleans address.

28 5. Hamilton received disaster relief funds from FEMA in the amount of \$14,549.51.

1       6. I declare under penalty of perjury that the foregoing is true and correct to the best of my  
2 knowledge and belief.

3

4 Executed June 6, 2008, at Oakland, California.

5

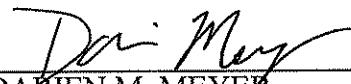
6

7

8 DATED: 6/13/08

Respectfully submitted,

9 JOSEPH P. RUSSONIELLO  
10 United States Attorney

11   
12 DARIEN M. MEYER  
13 Law Clerk  
14 United States Attorney's Office

1 JOSEPH P. RUSSONIELLO (CASBN 44332)  
2 United States Attorney  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,                              }) Case No.  
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14 Defendant.   })  
15 \_\_\_\_\_

16  
17 Having reviewed the Declaration of Darien Meyer, the Court finds that probable cause exists  
18 to believe that an offense has been committed. Accordingly, pursuant to Fed. R. Crim. P.  
19 58(d)(3), the Clerk of the Court is directed to issue a Summons directing the defendant, Alicia  
20 Hamilton, to appear on July 23, 2008 at 10:00 am before Magistrate Judge Wayne D. Brazil to  
21 answer the Information that has been filed by the United States Attorney.

22  
23 IT IS SO ORDERED.

24 Dated: \_\_\_\_\_  
25 WAYNE D. BRAZIL  
26 United States Magistrate Judge  
27  
28